UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,712	03/23/2004	Yuko Nishikawa	81232 7114	2664

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>23 March 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>5/8/2008</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 5/27/2008 have been fully considered but they are not persuasive. Applicant claims that the McCalla reference (Pub. No.: 2004/0031061) does not teach "automatically causing relative movement as between the segregated display area and the plurality of discrete indicators," and points to the fact that this is not taught by McCalla in Fig. 3 or paragraph [0034], lines 3-9. However, examiner respectfully points applicant to the citation on page 2 of the office action, where examiner cites Fig. 10 and paragraph [0073] regarding the "automatically causing relative movement" limitation.

In paragraph [0073], McCalla recites "automatically scrolling through various items," and Fig. 10 discloses a flow chart for how this process works, allowing the visual focus of the highlighted item to automatically move across the screen, movement that is relative to the segregated display area. For further clarification, in looking at Fig. 3, it can be seen in the still shot illustrated that element 40, the segregated display area, contains element 42, the category listing, which is currently showing "News," and element 44, the display area, which is currently showing world headlines. The other category listings, "Weather," "Entertainment," "Sports," and "Business," will all be automatically brought to the front of the display; i.e. moved relative to the segregated display area, as explained in the flow chart of Fig. 10.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

Claims 1-8, 15-19 rejected under 35 U.S.C. 103(a) as being unpatentable over McCalla et

al. (Pub. No.: 2004/0031061) in view of Hassell et al. (Pub. No.: US 2004/0107439).

Regarding claim 1, McCalla discloses: **A method comprising: providing access to**

characterizing descriptors as individually correspond to a plurality of discrete selectable

items of data (McCalla, Fig. 3 and paragraph [0034], lines 2-5 and paragraph [0035], lines, 1-6);

on a display: simultaneously providing a plurality of discrete indicators for at least some of

the discrete selectable items of data, which discrete indicators comprise at least a portion of

the characterizing descriptors as corresponds to the discrete selectable items of data

(McCalla, Fig. 3 and paragraph [0034], lines 2-5 and paragraph [0035], lines, 1-6); **providing a**

segregated display area (McCalla, Fig. 3 and paragraph [0034], lines 5-6); **automatically**

causing relative movement as between the segregated display area and the plurality of

discrete indicators (McCalla, Fig. 10 and paragraph [0073], lines 2-6).

McCalla fails to disclose the following, however, Hassell does: **automatically displaying**

additional content as corresponds to the characterizing descriptors for a given one of the

discrete indicators (Hassell, paragraph [0093], lines 9-14 and paragraph [0094], lines, 1-6) **as**

interacts in a predetermined way, at least in part, with the segregated display area
(Hassell, paragraph [0094], lines, 1-6).

McCalla discloses the use of a ticker running across a display, automatically providing

access to characterizing descriptors as individually correspond to a plurality of discrete

selectable items of data. However, McCalla does not disclose displaying additional content as

corresponds to the characterizing descriptors for a given one of the discrete indicators as it

interacts in a predetermined way, at least in part, with the segregated display area. Hassell

discloses that a listings overlay can contain a preview window, that can display a preview

image, textual description, or video, and that the listings may disappear after a predetermined

amount of time. Therefore, it would have been obvious to a person of ordinary skill in the art at

the time of the invention to have the plurality of discrete selectable items of data automatically

display additional content as corresponds to the characterizing descriptors for a given one of the

discrete indicators. Combining an automatically scrolling display with an overlay that can

display additional information would have been a highly desirable feature, as it would mean that

the user does not have to be actively involved in scrolling through information, but can see

additional information for a brief time, as seeing too much information at the same time could

be distracting.

Regarding claim 2, McCalla and Hassell in combination as a whole further discloses the

following: **The method of claim 1 wherein providing access to characterizing descriptors**

as individually correspond to a plurality of discrete selectable items of data further

comprises providing access to textual characterizing descriptors as individually

correspond to a plurality of discrete selectable items of data (Hassell, paragraph [0093], line

12). This claim is rejected on the same grounds as claim 1, as the method of claim 1 is taught by the listed references, and the additional condition described in claim 2 is an obvious variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 3, McCalla and Hassell in combination as a whole further discloses the following: **The method of claim 1 wherein simultaneously providing a plurality of discrete indicators further comprises simultaneously providing a plurality of content titles** (Hassell, Fig. 6). This claim is rejected on the same grounds as claim 1, as the method of claim 1 is taught by the listed references, and the additional condition described in claim 3 is an obvious variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 4, McCalla and Hassell in combination as a whole further discloses the following: **The method of claim 1 wherein the plurality of discrete selectable items of data comprises a plurality of discrete selectable items of audio/visual content** (Hassell, paragraph [0093], line 12). This claim is rejected on the same grounds as claim 1, as the method of claim 1 is taught by the listed references, and the additional condition described in claim 4 is an obvious variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 5, McCalla and Hassell in combination as a whole further discloses the following: **The method of claim 4 wherein the characterizing descriptors as individually correspond to a plurality of discrete selectable items of data comprises at least one of: a programming network identifier** (Hassell, Fig. 6); **a broadcast starting time** (Hassell, paragraph [0093], line 12) ; **a description of the audio/visual content** (Hassell, paragraph [0093], line 12); **content media source** (Hassell, Fig. 6). This claim is rejected on the same grounds as claim 4, as the method of claim 4 is taught by the listed references, and the

additional condition described in claim 5 is an obvious variant thereof, and is further taught by

Hassell in the indicated sections.

Regarding claim 6, McCalla and Hassell in combination as a whole further discloses the

following: **The method of claim 4 wherein the plurality of discrete selectable items of**

audio/visual content are embodied in a plurality of media (Hassell, paragraph [0128], lines

1-3). This claim is rejected on the same grounds as claim 4, as the method of claim 4 is taught

by the listed references, and the additional condition described in claim 5 is an obvious variant

thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 7, McCalla and Hassell in combination as a whole further discloses the

following: **The method of claim 4 wherein automatically displaying additional content as**

corresponds to the characterizing descriptors for a given one of the discrete indicators as

interacts in a predetermined way, at least in part, with the segregated display area

comprises automatically displaying video content as corresponds to the characterizing

descriptors for the given one of the discrete indicators (Hassell, Fig. 6, paragraph [0093],

lines 9-14). This claim is rejected on the same grounds as claim 4, as the method of claim 4 is

taught by the listed references, and the additional condition described in claim 7 is an obvious

variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 8, McCalla and Hassell in combination as a whole further discloses the

following: **The method of claim 4 wherein the plurality of discrete selectable items of**

audio/visual content comprises recently accessed items of audio/visual content (Hassell,

paragraph [0094], lines 2-4). Hassell states that "Any suitable technique for displaying program

listings may be implemented," and examiner takes Official Notice that creating a list of recently

accessed items would have been well known to one of ordinary skill in the art at the time of the

invention. Therefore, this claim is rejected on the same grounds as claim 4, as the method of

claim 4 is taught by the listed references, and the additional condition described in claim 7 is an

obvious variant thereof.

Claims 15-19 are system claims corresponding to method claims 1-8. Thus, rejections of

claims 1-8 will apply. To carry out the method steps as prescribed in claims 1-8, McCalla in

view Hassell as a whole would have rendered obvious an interactive data display system as

prescribed in claims 15-19.

Claims 9-14 rejected under 35 U.S.C. 103(a) as being unpatentable over McCalla et al.

(Pub. No.: 2004/0031061) in view of Hassell et al. (Pub. No.: US 2004/0107439), and in further

view of Reisman (Pub. No.: US 2004/0031058).

Regarding claim 9, McCalla discloses the following: **A method comprising: providing**

access to characterizing descriptors as individually correspond to a plurality of discrete

selectable items of data (McCalla, Fig. 3 and paragraph [0034], lines 2-5 and paragraph [0035],

lines, 1-6); **providing a plurality of user-selectable characterizing descriptor filter criteria**

(Reisman, paragraph [0687], lines 9-14); **on a display: simultaneously providing a plurality of**

discrete indicators for at least some of the discrete selectable items of data, which discrete

indicators comprise at least a portion of the characterizing descriptors as corresponds to

the discrete selectable items of data (McCalla, Fig. 3 and paragraph [0034], lines 2-5 and

paragraph [0035], lines, 1-6); **providing a segregated display area** (McCalla, Fig. 3 and

paragraph [0034], lines 5-6); **automatically causing relative movement as between the**

segregated display area and the plurality of discrete indicators (McCalla, Fig. 10 and

paragraph [0073], lines 2-6); **automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators** (Hassell, paragraph [0093], lines 9-14 and paragraph [0094], lines, 1-6) **as interacts in a predetermined way, at least in part, with the segregated display area** (Hassell, paragraph [0094], lines, 1-6).

McCalla fails to disclose the following, however, Hassell does: **automatically displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators** (Hassell, paragraph [0093], lines 9-14 and paragraph [0094], lines, 1-6) **as interacts in a predetermined way, at least in part, with the segregated display area** (Hassell, paragraph [0094], lines, 1-6).

McCalla discloses the use of a ticker running across a display, automatically providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of data. However, McCalla does not disclose displaying additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators as it interacts in a predetermined way, at least in part, with the segregated display area. Hassell discloses that a listings overlay can contain a preview window, that can display a preview image, textual description, or video, and that the listings may disappear after a predetermined amount of time. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have the plurality of discrete selectable items of data automatically display additional content as corresponds to the characterizing descriptors for a given one of the discrete indicators. Combining an automatically scrolling display with an overlay that can display additional information would have been a highly desirable feature, as it would mean that the user does not have to be actively involved in scrolling through information, but can see additional

information for a brief time, as seeing too much information at the same time could be

distracting.

McCalla and Hassell in combination fails to further teach as claimed: **"providing a**

plurality of user-selectable characterizing descriptor filter criteria." Reisman discloses that

"One method that might be used to differentiate levels of service relates to the display of

filtered and ranked program listings. Personalized EPG functions could, for instance,

present only the programs expected to be desired by the user, perhaps in order of

desirability, instead of a non-personalized, unfiltered mass of listings, whether organized in

a grid, or in other listing structures, such as by genre or person." Therefore, it would have

been obvious to a person of ordinary skill in the art at the time of the invention to have added this

additional feature to the method of claim 1. Having filtered data would have been highly

desirable, as it allows the user to see information that is more likely to be useful to the viewer,

thus increasing the efficiency of the display.

Regarding claim 10, the combined teachings of McCalla, Hassell and Reisman as a whole

further teach: **The method of claim 9 wherein the plurality of discrete selectable items of**

data comprise a plurality of discrete selectable items of audio/visual content (Hassell,

paragraph [0093], line 12). This claim is rejected on the same grounds as claim 9, as the method

of claim 9 is taught by the listed references, and the additional condition described in claim 10 is

an obvious variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 11, the combined teachings of McCalla, Hassell and Reisman as a whole

further teach: **The method of claim 10 wherein the plurality of user-selectable characterizing**

descriptor filter criteria includes at least one of: recently viewed discrete selectable items of

data; recommended discrete selectable items of data (Reisman, paragraph [0513], lines 8-11). This claim is rejected on the same grounds as claim 10, as the method of claim 10 is taught by the listed references, and the additional condition described in claim 11 is an obvious variant thereof, and is further taught by Reisman in the indicated sections.

Regarding claim 12, the combined teachings of McCalla, Hassell and Reisman as a whole further teach: **The method of claim 9 and further comprising: detecting user selection of a particular one of the plurality of discrete indicators** (Hassell, paragraph [0093], lines 7-8). This claim is rejected on the same grounds as claim 9, as the method of claim 9 is taught by the listed references, and the additional condition described in claim 12 is an obvious variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 13, the combined teachings of McCalla, Hassell and Reisman as a whole further teach: **The method of claim 12 and further comprising: sending a signal indicating user selection of the particular one of the plurality of discrete indicators** (Hassell, paragraph [0093], lines 7-8). This claim is rejected on the same grounds as claim 12, as the method of claim 12 is taught by the listed references, and the additional condition described in claim 13 is an obvious variant thereof, and is further taught by Hassell in the indicated sections.

Regarding claim 14, the combined teachings of McCalla, Hassell and Reisman as a whole further teach: **The method of claim 12 and further comprising: detecting a remote control device signal indicating the user selection of a particular one of the plurality of discrete indicators** (Hassell, paragraph [0006], lines 15-18). This claim is rejected on the same grounds as claim 12, as the method of claim 12 is taught by the listed references, and the additional

condition described in claim 14 is an obvious variant thereof, and is further taught by Hassell in

the indicated sections.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JOSHUA TAYLOR whose telephone number is (571)270-3755.

The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/

Examiner, Art Unit 2623

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623